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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL GONZALEZ, et al.,

Case No. 2:18-cv-00979-APG-NJK

Plaintiffs,

**Order Granting Judgment and Final
Approval of the Class and Collective
Action Settlement**

v.

DIAMOND RESORTS INTERNATIONAL
MARKETING, INC., et al.,

[ECF No. 285]

Defendants.

On August 10, 2022, the plaintiffs filed their Unopposed Motion for Preliminary Approval of Class Action Settlement and Supporting Memorandum. ECF No. 283. On August 17, 2022, I: 1) granted the motion, preliminarily approving the parties' Settlement Agreement, the distribution of the Net Settlement Amount, incentive awards for the two Named Plaintiffs, attorney's fees and costs; 2) approved the parties' selection of KCC as the Settlement Administrator; 3) approved the proposed Notice to be sent to Hawaii Class Members providing them with the opportunity to exclude themselves from the settlement by opting out or to object to the settlement; and 4) approved the manner of distribution of the proposed Notice. ECF No. 284.

On October 25, 2022, the plaintiffs filed their Unopposed Motion for Final Approval of Class and Collective Action Settlement and Supporting Memorandum. ECF No. 285. Based on the representations of the parties, Hawaii Class Members were sent the court-approved Notice of the settlement and given 45 days to exclude themselves from the settlement or object to it. There were no objections to the settlement by Hawaii Class Members.

1 I conducted the Final Fairness hearing on November 8, 2022. Based on the motion and
2 the arguments of counsel, I grant the plaintiffs' motion.

3 I THEREFORE ORDER as follows:

4 1. Plaintiffs' Motion (**ECF No. 285**) is **GRANTED** and I give final approval to the
5 parties' class and collective action settlement. I approve the terms and conditions of the parties'
6 settlement as set forth in the Settlement Agreement and Release (ECF No. 283-1) (the
7 Agreement). The defendants' payment of the gross settlement in the amount of \$6,740,862.96 is
8 a fair and reasonable compromise and settlement of the claims in this action arising under the
9 Hawaii Wage and Hour Law and the Fair Labor Standards Act (FLSA).

10 2. Specifically, I find that the parties' settlement is a fair and reasonable resolution
11 of disputes over Hawaii Wage and Hour Law and FLSA provisions. First, the four-year history
12 of the case, with over 280 filings, establishes the existence of a bona fide dispute. Second, there
13 is no evidence of collusion, and the settlement is the result of arms-length negotiations among
14 experienced counsel representing the interests of both sides and with the assistance of private
15 mediator David Rotman. Finally, the settlement confers a substantial benefit to all Class and
16 Collective Action Members similarly situated to the plaintiffs, considering the strength of their
17 claims; the risk, expense, complexity and duration of further litigation; the risk of maintaining
18 class or collective action status throughout the trial; the amount offered in the settlement; the
19 extent of discovery completed and the stage of the proceedings; and the experience and views of
20 Class Counsel.

21 3. I grant and approve Named Plaintiffs Daniel Gonzalez and Jeffrey Hughes'
22 unopposed request for Incentive Awards in the amount of \$20,000.00 each. The amounts
23 requested are fair and reasonable based on the amount of time they spent on the litigation, the

1 risks and burdens they carried as a result of the litigation, the particular benefit they provided to
2 Class and Collective Action Members as a whole throughout the litigation, and as consideration
3 for the general releases of all claims against the defendants.

4 4. I grant and approve the plaintiffs' unopposed request for attorney's fees in the
5 amount of \$2,723,173.50. The amount is fair and reasonable employing the lodestar method in
6 allocating the Gross Settlement Amount.

7 5. I grant and approve the plaintiff's unopposed request for costs in the amount of
8 \$450,763.00. The amount is fair and reasonable.

9 6. I approve the proposed apportionment of the Gross Settlement Amount and Net
10 Settlement Amount as set forth in the Agreement (ECF No. 283-1), the plaintiff's Unopposed
11 Motion for Preliminary Approval (ECF No. 283), the Declaration of Martin Holmes (ECF No.
12 283-3), the plaintiffs' Unopposed Motion for Final Approval (ECF No. 285), and the
13 Supplemental Declaration of Martin Holmes (ECF No. 285-1). This apportionment is fair and
14 reasonable.

15 7. I lift the stay of the case as to Class and Collective Action Members who were
16 subject to the defendants' arbitration agreement and compelled to submit their claims to
17 arbitration as reflected in my December 27, 2021 Order (ECF No. 258).

18 8. The clerk of the court is directed to close this file.

19 DATED this 8th day of November, 2022.

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21 
22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE